United Nations A/ES-10/473–S/2010/1

General Assembly
Security Council

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6 January 2010

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fifth year

Letter dated 31 December 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I write to you today to draw your attention, once again, to the grave consequences of the continued illegal actions of Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem. Israel continues to recklessly and flagrantly pursue its illegal colonization campaign, particularly in and around Occupied East Jerusalem, destroying the contiguity, unity and integrity of the Occupied Territory and destroying the prospects for a peaceful settlement.

This week, the Israeli Government authorized the construction of yet another 700 new settlement housing units in the illegal Israeli settlement built on Jabal Abu Ghneim, also known as "Har Homa". This action is clear evidence of Israel's insistence on defying the collective will of the international community by forcing such unlawful faits accomplis on the Palestinian people through its military might. The Jabal Abu Ghneim settlement is expanding at an unprecedented rate and, in the process, is devouring thousands of acres of Palestinian-owned land in Bethlehem and Occupied East Jerusalem. Israel, the occupying Power, considers this to be part of the so-called Greater Jerusalem and claims that it is not included under its self-proclaimed so-called moratorium on settlement construction in the Occupied West Bank.

Moreover, on 29 December 2009, Israel's Defense Ministry approved plans to legalize the construction of 15 permanent structures being built in the illegal Israeli settlement of "Kiryat Netafim" in the Occupied West Bank on private lands owned by Palestinians. This approval has come after the Israeli Supreme Court issued a restraining order against the construction of the structures in response to a petition filed by the Peace Now Movement in this connection. The Israeli Government has also announced a plan to advance the process of planning and construction in this illegal settlement.

These illegal Israeli actions and measures are being perpetrated in grave breach of the Fourth Geneva Convention and other relevant provisions of international law and numerous relevant United Nations Security Council and

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General Assembly resolutions, and are also being perpetrated in flagrant defiance of and as a challenge to the will of the international community.

Given these dangerous developments, we reiterate once more our adamant rejection of these illegal actions and false classifications by the occupying Power. Moreover, the international community, including the United Nations, must recall the moral and legal responsibility towards the Palestinian people until a just resolution is achieved as regards their plight and the injustice inflicted upon them. This responsibility must prompt international actors to take measures and actions that extend far beyond timid language and statements of goodwill and that will actually compel the occupying Power to cease its illegal actions forthwith.

These illegal Israeli actions, which are devouring the prospects for an independent, viable and contiguous State of Palestine, living side by side with Israel in peace and security on the basis of the pre-1967 borders, must be firmly confronted and rejected by the international community with unwavering determination and with all of the diplomatic and political tools and means available to the international community. Not only are continued silence and an ineffective reaction to these actions insufficient, but they reflect an unacceptable degree of acquiescence and agreement and are in clear violation of international law and relevant United Nations resolutions. It is high time that Israel, the occupying Power, is compelled to realize that its continued impunity is a clear threat to international peace and security and shall be met with swift consequences if it does not cease. The realization of peace is dependent upon this.

The present letter is in follow-up to our previous 352 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 28 December 2009 (A/ES-10/472-S/2009/675), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2010/2

Security Council

Distr.: General
31 January 2010

Original: English

Note by the President of the Security Council

Pursuant to paragraph 4 (b) of the note by the President of the Security Council dated 30 October 1998 (S/1998/1016), and after consultations among the members of the Council, it was agreed to elect the Chairmen and Vice-Chairmen of subsidiary bodies for the period ending 31 December 2010 as follows:

Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

Chairman:
Claude Heller (Mexico)

Vice-Chairmen: Lebanon and Nigeria

Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

Chairman:
Nawaf Salam (Lebanon)

Vice-Chairmen: Bosnia and Herzegovina and Brazil

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Chairman:
Thomas Mayr-Harting (Austria)

Vice-Chairmen: Brazil and Russian Federation

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Chairman:
Ertuğrul Apakan (Turkey)

Vice-Chairmen: France, Gabon and Russian Federation

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Security Council Committee established pursuant to resolution 1518 (2003)

Chairman:
U. Joy Ogwu (Nigeria)

Vice-Chairman: Japan

Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

Chairman:
Ivan Barbalić (Bosnia and Herzegovina)

Vice-Chairmen: Turkey and Uganda

Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Chairman:
Maria Luiza Ribeiro Viotti (Brazil)

Vice-Chairmen: Gabon and Lebanon

Security Council Committee established pursuant to resolution 1540 (2004)

Chairman:
Claude Heller (Mexico)

Vice-Chairmen: Lebanon, Turkey and United Kingdom of Great Britain and Northern Ireland

Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Chairman:
Maria Luiza Ribeiro Viotti (Brazil)

Vice-Chairmen: Austria and Uganda

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Chairman:
Thomas Mayr-Harting (Austria)

Vice-Chairmen: Bosnia and Herzegovina and Mexico

Security Council Committee established pursuant to resolution 1636 (2005)

Chairman:
Emmanuel Issoze-Ngondet (Gabon)

Vice-Chairmen: Austria and Bosnia and Herzegovina

Security Council Committee established pursuant to resolution 1718 (2006)

Chairman:
Ertuğrul Apakan (Turkey)

Vice-Chairmen: Lebanon and Nigeria

Security Council Committee established pursuant to resolution 1737 (2006)

Chairman:
Yukio Takasu (Japan)

Vice-Chairman: Nigeria

Working Group on Peacekeeping Operations

Chairman:
Yukio Takasu (Japan)

Ad Hoc Working Group on Conflict Prevention and Resolution in Africa

Chairman:
Ruhakana Rugunda (Uganda)

Working Group established pursuant to resolution 1566 (2004)

Chairman:
Ertuğrul Apakan (Turkey)

Working Group on Children and Armed Conflict

Chairman:
Claude Heller (Mexico)

Informal Working Group on Documentation and Other Procedural Questions

Chairman:
Yukio Takasu (Japan)

Informal Working Group on International Tribunals

Chairman:
Thomas Mayr-Harting (Austria)

United Nations S/2010/3

Security Council

Distr.: General
4 January 2010

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Note verbale dated 28 December 2009 from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

The Permanent Mission of Turkey to the United Nations presents its compliments to the Executive Office of the Secretary-General of the United Nations and has the honour to request the circulation of the enclosed letter addressed to His Excellency Ban Ki-moon, Secretary-General of the United Nations, pursuant to paragraph 15 of Security Council resolution 1846 (2008), as a document of the Security Council.

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Annex to the note verbale dated 28 December 2009 from the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

Pursuant to paragraph 16 of United Nations Security Council resolution 1846 (2008), please find below information on the progress of actions taken by Turkey, under the authorization given by paragraph 10 of the same resolution, in cooperation with the Transitional Federal Government of Somalia in combating piracy and armed robbery off the coast of Somalia.

Being among those countries suffering from this scourge, Turkey deplores and condemns these acts. Thus far, four vessels owned by Turkish citizens and with Turkish crews have been kidnapped and held hostage by pirates. Several other Turkish vessels have survived pirate attacks.

From the onset, Turkey, fully recognizing the need for a robust international cooperation and coordination to cope with this multidimensional and complex issue, has actively supported and contributed to the counter-piracy efforts exerted by NATO, the European Union, the United Nations and the International Maritime Organization (IMO).

Thus far, Turkey, with four frigates, has taken part in efforts to repress these acts. First, Turkey participated in the NATO naval task force (Standing NATO Maritime Group 2 (SNMG-2)) with a frigate, which provided escort and protection to ships chartered by the World Food Programme (WFP) sailing in the region. This operation ended on 12 December 2008. Turkey then joined efforts to repress acts of piracy and armed robbery at sea, which were conducted under the Combined Task Force-151 (CTF-151) commanded by Turkish Naval Forces, from May through August 2009. Today a Turkish frigate with air assets is operating in the region pursuant to the provisions of Security Council resolutions. To date, the Turkish naval elements in the region have apprehended some 30 piracy suspects in various operations.

Turkey, as a founding member, took part in the meetings of the Contact Group on Piracy off the Coast of Somalia, which was established on 14 January 2009. Turkey also participated in the working groups established under the framework of the Contact Group and actively contributed to their deliberations.

Turkey requested the consent of the Transitional Federal Government of Somalia, which would enable Turkish naval elements to enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, as stipulated by the Security Council in its resolution 1846 (2008), paragraphs 10 (a) and (b). The consent was granted on 13 January 2009, and the Permanent Mission of Somalia submitted the required advance notification to the Secretary-General of the United Nations to that effect.

The Turkish Maritime Authorities are actively seized of the issue of strengthening situation-awareness for commercial ships and other capabilities. For that purpose a document entitled "Best management practices to deter piracy" has been widely circulated within the industry. The National Maritime Armed Robbery Information System has also been initiated.

The increase in the number of pirate attacks in 2009, despite all efforts of the international community, indicates that satisfactory deterrence has not been fully

achieved. One of the main factors is undoubtedly the lack of capacity to detain and punish the perpetrators that are apprehended. In order to sustain the success of the ongoing operations, legal options for the effective prosecution of suspected pirates should be explored. Hence, Turkey believes that it would be useful if a mechanism is put in place in one of the countries of the region, under the supervision of the United Nations, to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia. This would no doubt require the support of the international community for the enhancement of the capacity in the States in the region. Turkey believes that the newly established trust fund can be utilized in this regard.

(*Signed*) Ertuğrul **Apakan**
Permanent Representative

United Nations A/64/619–S/2010/4

General Assembly
Security Council

Distr.: General
5 January 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 15, 32 and 40

Security Council
Sixty-fifth year

The situation in the Middle East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Letter dated 5 January 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

Upon instruction from my Government, I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Syrian Arab Republic, Mr. Walid Al-Moualem, dated 3 January 2010, addressed to Mr. Ban Ki-moon, the Secretary-General, regarding the recent Israeli violations in the Occupied Syrian Golan (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda items 15, 32 and 40, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the letter dated 5 January 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

Even as the international community, the United Nations and all peace-loving States are urging Israel to resume peace talks and respond to demands to implement international resolutions calling for its withdrawal from all occupied Arab territories to the lines of 4 June 1967, the Israeli Government, in continuation of the violations being carried out by the Israeli occupation forces in the Syrian Arab Golan, and in further implementation of its policy of fait accompli through the seizure of territory by force, has embarked on a plan to appropriate and Judaize even more Syrian territory in the occupied Syrian Arab Golan. These new measures send a provocative message to the Syrian Arab Republic and other States that are striving to achieve peace in accordance with relevant United Nations resolutions.

An example of these new measures was the solicitation by Israel, the occupying Power, of competitive bids in relation to the sale of 11 residential buildings in the village of Ain Qunyah in the occupied Syrian Golan. One of the conditions of the bidding, which was open from 16 November to 16 December 2009, was that preference should be given to army veterans recommended by the Israeli Ministry of Defence.

Such a condition sets a dangerous precedent that threatens to alter the demographic makeup of the occupied Syrian Golan. This is in addition to ongoing Israeli practices that have brought about a serious deterioration in the human rights situation in occupied Arab territories, including the occupied Syrian Golan.

However, Israel, not content with that sale alone, has also reaffirmed its blatant defiance of the desire of the international community, including its allies and friends, to achieve a comprehensive peace in the region, in accordance with internationally recognized resolutions and the principle of land for peace. On 9 December 2009, the Israeli Knesset passed a bill requiring that implementation of any peace agreement resulting in Israeli withdrawal from occupied East Jerusalem or the occupied Syrian Golan must be approved by 80 per cent of all Israelis in a referendum. That bill has no legal validity because it conflicts with international law and international resolutions affirming the inadmissibility of the acquisition of territory by force. It also confirms that Israel will persist in defying the entire world by rejecting peace, and that any expressions of a desire for peace on the part of its Government are merely political manoeuvres and ploys.

These measures threaten to undermine the peace process. They make clear that there is a new campaign under way to confiscate land and tighten the siege imposed on the Syrian inhabitants of the occupied Golan, in violation of international laws and United Nations resolutions, including Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void. These measures also demonstrate Israel's non-compliance with international legal requirements and United Nations resolutions, the most recent of which was General Assembly resolution 64/21 of 2 December 2009 on the occupied Syrian Golan, which reaffirmed the inadmissibility of the acquisition of territory by force, in accordance with international law and the Charter of the United Nations and the

applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Syrian Golan.

Ongoing Israeli violation of international law is the most prominent evidence of the policy of aggression being pursued by the Israeli Government, and of the intention of Israeli decision makers to wage war on the peace process and to resist the efforts of the United Nations and the international community to bring about a just and comprehensive peace in the region. It also affirms that there is no Israeli partner willing to engage seriously in a peace process based on the principles of international law and relevant United Nations resolutions. Since the start of the peace talks that followed the 1991 Madrid Peace Conference, all Israeli heads of government have committed themselves to a full withdrawal from the Golan to the line of 4 June 1967. The present Israeli Government is well aware that the Syrian Arab Republic will not resume indirect talks under Turkish mediation as long as the head of that Government, Benjamin Netanyahu, does not commit to a full withdrawal from the Golan. The return to the Syrian Arab Republic of its occupied territory is not open to negotiation. It is a right affirmed by United Nations resolutions.

The failure to bring meaningful international pressure to bear on Israel to implement Security Council resolution 497 (1981) only encourages Israel to delay compliance with that resolution and all other relevant United Nations resolutions.

(*Signed*) Walid **Al-Moualem**
Minister for Foreign Affairs of the Syrian Arab Republic

United Nations A/64/619–S/2010/4*

General Assembly
Security Council

Distr.: General
7 January 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 15, 32 and 40

Security Council
Sixty-fifth year

The situation in the Middle East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Identical letters dated 5 January 2010 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Syrian Arab Republic, Mr. Walid Al-Moualem, dated 3 January 2010, addressed to Mr. Ban Ki-moon, the Secretary-General, and Mr. Zhang Yesui, President of the Security Council, regarding the recent Israeli violations in the Occupied Syrian Golan (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda items 15, 32 and 40, and of the Security Council.

(Signed) Bashar Ja'afari
Ambassador
Permanent Representative

* Reissued for technical reasons.

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[Original: Arabic]

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Such a condition sets a dangerous precedent that threatens to alter the demographic makeup of the occupied Syrian Golan. This is in addition to ongoing Israeli practices that have brought about a serious deterioration in the human rights situation in occupied Arab territories, including the occupied Syrian Golan.

However, Israel, not content with that sale alone, has also reaffirmed its blatant defiance of the desire of the international community, including its allies and friends, to achieve a comprehensive peace in the region, in accordance with internationally recognized resolutions and the principle of land for peace. On 9 December 2009, the Israeli Knesset passed a bill requiring that implementation of any peace agreement resulting in Israeli withdrawal from occupied East Jerusalem or the occupied Syrian Golan must be approved by 80 per cent of all Israelis in a referendum. That bill has no legal validity because it conflicts with international law and international resolutions affirming the inadmissibility of the acquisition of territory by force. It also confirms that Israel will persist in defying the entire world by rejecting peace, and that any expressions of a desire for peace on the part of its Government are merely political manoeuvres and ploys.

These measures threaten to undermine the peace process. They make clear that there is a new campaign under way to confiscate land and tighten the siege imposed on the Syrian inhabitants of the occupied Golan, in violation of international laws and United Nations resolutions, including Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void. These measures also demonstrate Israel's non-compliance with international legal requirements and United Nations resolutions, the most recent of which was General Assembly resolution 64/21 of 2 December 2009 on the occupied Syrian Golan.

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Ongoing Israeli violation of international law is the most prominent evidence of the policy of aggression being pursued by the Israeli Government, and of the intention of Israeli decision makers to wage war on the peace process and to resist the efforts of the United Nations and the international community to bring about a just and comprehensive peace in the region. It also affirms that there is no Israeli partner willing to engage seriously in a peace process based on the principles of international law and relevant United Nations resolutions. Since the start of the peace talks that followed the 1991 Madrid Peace Conference, all Israeli heads of government have committed themselves to a full withdrawal from the Golan to the line of 4 June 1967. The present Israeli Government is well aware that the Syrian Arab Republic will not resume indirect talks under Turkish mediation as long as the head of that Government, Benjamin Netanyahu, does not commit to a full withdrawal from the Golan. The return to the Syrian Arab Republic of its occupied territory is not open to negotiation. It is a right affirmed by United Nations resolutions.

The failure to bring meaningful international pressure to bear on Israel to implement Security Council resolution 497 (1981) only encourages Israel to delay compliance with that resolution and all other relevant United Nations resolutions.

(*Signed*) Walid **Al-Moualem**
Minister for Foreign Affairs of the Syrian Arab Republic

United Nations S/2010/5

Security Council

Distr.: General
5 January 2010

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of the Mission's mandate. The present report covers the activities of UNMIK, and developments related thereto, from 16 September to 15 December 2009.

II. Political situation and Mission priorities

2. In all of my reports in 2009, I have informed the Security Council about the gradual adjustment of the presence, profile and priorities of UNMIK as a result of the changing circumstances on the ground since Kosovo's declaration of independence and the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) throughout Kosovo. The strategic goal of UNMIK remains the promotion of security, stability and respect for human rights in Kosovo and in the region through engagement with all communities in Kosovo, as well as with Pristina and Belgrade and with regional and international actors. During this period, UNMIK has continued to support minority communities, to encourage reconciliation and to facilitate dialogue and regional cooperation. The Organization for Security and Cooperation in Europe (OSCE) and EULEX have continued to perform important roles within the framework of Security Council resolution 1244 (1999).

3. In line with the Security Council's presidential statement of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692), EULEX has continued to operate under the overall authority and within the status-neutral framework of the United Nations. UNMIK and EULEX, as well as the Kosovo Force (KFOR), regularly exchange information and coordinate effectively at the operational and strategic levels.

4. The International Court of Justice held public hearings from 1 to 11 December on the question of the "Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo (request for advisory opinion)", pursuant to General Assembly resolution 63/3. Delegations from Belgrade and Pristina addressed the Court on 1 December. In

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addition, representatives of 27 States, including all five permanent members of the Security Council, participated in the oral proceedings.

5. Since my previous report to the Security Council, dated 30 September 2009 (S/2009/497), two additional States have recognized Kosovo, bringing the total to 64. The Assembly of Kosovo gave its approval to Kosovo's budget for 2010, which amounted to €1.46 billion, reflecting a 6 per cent rise compared with the 2009 budget.

6. On 15 November, the Kosovo authorities organized mayoral and municipal assembly elections. UNMIK was not involved in the organization of those elections. International observers found that they adhered to democratic standards, despite some irregularities.

7. Following the first round of voting, the Democratic Party of Kosovo (PDK), the largest party in Kosovo's coalition government, signalled its willingness to find another coalition partner in lieu of the Democratic League of Kosovo (LDK), which proved to be its main rival in the elections. Subsequently, PDK and LDK renewed their commitment to continuing the current government coalition. In a separate development, members of an opposition party alleged that an individual claiming to have been on the payroll of a former intelligence service run by PDK had committed criminal acts, including the murder of political opponents. Kosovo authorities stated that the law would take its course on the issue, and EULEX placed the suspect under house arrest. While the issue appeared to stir public opinion, it had limited effect on the second round of the mayoral elections.

III. Engagement with Pristina and Belgrade, and practical arrangements

8. UNMIK remains committed to facilitating the engagement of all sides in order to find practical solutions to issues of mutual concern. During the reporting period, my Special Representative and his senior managers, with the support of the United Nations Office in Belgrade, met in November with Serbian President Boris Tadic and several times with other senior Serbian officials, who continued to be fully engaged. European Union and EULEX experts continued to lead technical discussions with the Serbian authorities in the rule-of-law area, keeping the Mission regularly informed of the outcomes.

9. There was an improvement in the Mission's relations with the Kosovo authorities, which had opted to maintain very limited contacts with my Special Representative during previous months. In Pristina and on the margins of international meetings, my Special Representative met with high Kosovo officials, including with President Sejdiu, in October, and with Prime Minister Thaçi, in December.

10. Despite the cooperation with all sides, agreement has proved difficult in such areas as justice, customs and cultural heritage. UNMIK continued its efforts to find durable solutions aimed at the protection of Serbian cultural heritage in Kosovo. In September, October and November, my Special Representative and Mission officials discussed this matter with authorities in Belgrade. UNMIK also engaged extensively with the main international stakeholders, above all the European Union, which has taken a leading role in this area. The joint efforts of the international community in

search of a formula regarding cultural heritage ensured that considerable progress was achieved. This could lead to eventual agreement in Pristina and Belgrade.

IV. Northern Kosovo

11. The UNMIK Office in Mitrovicë/Mitrovica continued to function as a go-between for Kosovo Serb municipal leaders and the Kosovo Albanian community in the north. The Mission's presence provided Kosovo Serbs with a channel of communication, when required, with the authorities in Pristina. UNMIK also served as a bridge between EULEX and local political leaders, some of whom still refuse, albeit not as vehemently as before, to communicate directly with EULEX. The European Union designated the Italian Ambassador to Kosovo to facilitate and coordinate Union activities in the north.

12. Positive developments were noticeable with regard to the return of Kosovo Albanians to the Kroi i Vitakut/Brdjani area in the northern part of Mitrovicë/Mitrovica, which had witnessed violence during the summer months. During the reporting period, both communities engaged in the peaceful rebuilding of their homes, while individual Kosovo Albanian owners, as well as authorities of the Mitrovicë/Mitrovica municipality, engaged constructively with UNMIK Administration Mitrovica in order to address pending issues related to returns.

13. During the reporting period, tensions arose regarding the supply of electricity in the north, including the disconnection of the northern municipalities from the Kosovo Energy Corporation network, with Electric Power Industry of Serbia stepping in. That issue drew public attention and fuelled concerns in a range of quarters over possible implications. Operational consultations between Kosovo Energy Corporation and Electric Power Industry of Serbia are ongoing with a view to finding a satisfactory longer-term solution, in the absence of which the possibility for instability remains.

14. On 29 November, Serbia organized by-elections in the northernmost municipality in Kosovo, Leposaviq/Leposavić, in order to fill vacancies created following the removal of the municipal government elected on 11 May 2008. UNMIK was not involved in the organization of those elections, which were not called by my Special Representative. The Kosovo authorities stated that they would not recognize those elections. On the other hand, the elections organized by the Kosovo authorities on 15 November had no real political impact on the north, with virtually no turnout of Kosovo Serbs there.

V. Elections and decentralization

15. The municipal and mayoral elections organized by the Kosovo authorities marked an important step in the process of decentralization. Elections were held in 36 municipalities — six more than in the local elections held in November 2007 — and included the former pilot municipal units of Junik, Mamushë/Mamuša/Mamuşa and Hani i Elezit/Đeneral Janković, now considered full-fledged municipalities, as well as the new Kosovo Serb-majority municipalities of Gračanica/Graçanicë, Kllokot/Klokot and Ranillug/Ranilug and the expanded Novobërdë/Novo Brdo municipality. The elections for the envisaged new municipalities in northern

Mitrovicë/Mitrovica and Partesh/Parteš were postponed, owing to insufficient progress having been achieved in gaining support for decentralization in those areas.

16. The 15 November elections were organized directly by the Kosovo Central Election Commission. The OSCE mission provided technical support to the Commission in the preparations for the elections and to the Election Complaints and Appeals Subcommission in the development of procedures for the processing of complaints, but had no role in the counting process or in election-day activities.

17. Voting took place without major incident. Political entities running in the elections filed some 150 complaints with the Election Complaints and Appeals Subcommission after the first round of voting, alleging procedural violations at some polling stations and contesting some results announced by the Central Election Commission. After considering those complaints, the Subcommission annulled results for 15 polling stations, out of a total of 2,256. Voters residing outside Kosovo, including internally displaced persons, were invited to apply to the voting-by-mail programme. By the 13 November deadline, the total number of by-mail ballots received had reached 338.

18. Approximately 23,000 observers, some 600 of whom were international observers, monitored the elections. The largest international monitoring mission for these elections, the European Network of Election Monitoring Organizations, issued a statement on 16 November, noting that the elections had been "held in a calm and orderly atmosphere marked by some breaches of procedure". The Network concluded that the elections had met many of the international standards for elections and that the Central Election Commission had shown a "high level of commitment during the preparations for the elections".

19. The two leading Kosovo Albanian parties, PDK and LDK, slightly improved their electoral support, while the opposition Democratic League of Dardania and New Kosovo Alliance parties lost some of their support; the Alliance for the Future of Kosovo (AAK) doubled the number of its supporters.

20. Before the elections, the Belgrade authorities repeatedly stated that conditions that would have enabled Kosovo Serbs to vote did not exist, that the elections were not in line with Security Council resolution 1244 (1999), and that therefore they would not call on Kosovo Serbs to vote. The Serbian President made clear, however, that the current government would not stigmatize those Kosovo Serbs who chose to participate. The Assembly of the Association of Serb Municipalities and Settlements in Kosovo and Metohija called on Kosovo Serbs to boycott the elections on the grounds that participation would imply recognition of Kosovo's declaration of independence.

21. Kosovo Serbs south of the Ibar River participated in the elections in larger numbers than in 2004 and 2007. In the predominantly Kosovo Serb municipalities of Novobërdë/Novo Brdo and Shtërpce/Štrpce and in the newly created municipalities of Graçanicë/Gračanica, Kllokot/Klokot and Ranillug/Ranilug, 6,022 voted in the first round. According to the Central Election Commission, the turnout of voters — not identified by ethnicity — in Graçanicë/Gračanica, Kllokot/Klokot, Novobërdë/Novo Brdo and Ranillug/Ranilug was approximately 23, 25, 13 and 25 per cent, respectively, in the first round. In Shtërpce/Štrpce, the mayoral run-off elections witnessed a significant increase in voter turnout, from 30.91 per cent in the first round to a preliminarily reported 54.26 per cent on 13 December. The

Independent Liberal Party dominated the elections in the Kosovo Serb municipalities, electing the mayors in four of them (Graçanicë/Gračanica, Klokot/Klokot, Ranillug/Ranilug and Shtërpce/Štrpce). On the other hand, turnout in the northern municipalities of Zubin Potok, Zveçan/Zvečan and Leposaviq/Leposavić, as well as in northern Mitrovicë/Mitrovica, was negligible.

VI. Security

22. The overall security situation in Kosovo remained relatively calm, but potentially fragile. The electoral campaign, which began on 15 October and lasted until 14 November, was generally peaceful, despite some politically motivated incidents, including acts of vandalism, theft and assault. On 11 November, the members of the Kosovo Prime Minister's special protection unit were attacked by a group of AAK supporters, who pelted them with stones and eggs as they were escorting him from a political rally in Deçan/Dečani. On 12 November, a hand grenade was thrown into a workshop owned by a Kosovo Serb mayoral candidate for Zveçan/Zvečan; only material damage was reported. The same day in Mitrovicë/Mitrovica, unknown persons opened fire at the vehicle of the AAK mayoral candidate, who sustained no injuries. No significant security incidents were reported on election day. In an election-related incident on 30 November in Gjakovë/Đakovica, the LDK offices were damaged and the archives destroyed as a result of what was suspected to be arson.

23. On 13 October, a Kosovo Albanian from Gjakovë/Đakovica was beaten by unknown persons near the main bridge in northern Mitrovicë/Mitrovica. The same day, in a separate incident, two Kosovo Albanian residents of Mitrovicë/Mitrovica were attacked in the northern part of town; one of them suffered extensive bodily injuries. On 30 November, occupants of a vehicle bearing Kosovo registration plates fired randomly at pedestrians in the Three Towers mixed area in northern Mitrovicë/Mitrovica. No injuries or material damage was reported.

24. On 16 September in Gjilan/Gnjilane, Molotov cocktails were thrown at two vacant EULEX vehicles, and one of the vehicles was torched as a result. On 24 September, a EULEX convoy heading towards gate 31 in northern Kosovo was fired at from an unknown direction, but no injuries were reported. A large number of EULEX vehicles and some UNMIK vehicles were vandalized during this period.

25. The number of incidents affecting minority communities appeared to have decreased in comparison with the previous reporting period. The most noticeable incidents affecting the Kosovo Serb community occurred in Gjilan/Gnjilane municipality. On 16 October, fire broke out on the premises of the Serbian television company TV Plus, near Shillovë/Šilovo. The fire caused substantial damage to the telephone networks of Telenor and Telecom Serbia and resulted in a breakdown of communication lines in Kosovo Serb villages in south-eastern Kosovo; the mayor of Gjilan/Gnjilane publicly condemned the incident on 20 October. On 10 October, unknown perpetrators lobbed an explosive device into the compound belonging to the family of a Democratic Party of Serbia activist and former Minister in Kosovo. The explosion caused damage to the house but no injuries to the occupants.

VII. Rule of law

26. The UNMIK Rule of Law Liaison Office continued to enjoy good cooperation at the technical level with the ministries of Justice and Internal Affairs.

27. On 30 September 2009, the Minister of Justice adopted an administrative instruction on international legal assistance. Although the administrative instruction provides for the Ministry of Justice to directly process all requests for international legal assistance, UNMIK continues to act as a facilitator.

28. The Mission, in close cooperation with the Kosovo authorities, continues to provide certification services to habitual residents of Kosovo required to provide such certification by relevant authorities outside Kosovo. Those services include primarily the certification of civil status, pension and academic documents. Some difficulties continued to be encountered with the certification of academic documents.

29. An increasing number of Kosovo Serbs have applied for — and many have already received — Kosovo identity cards and other civil status documents. According to the Kosovo authorities, the number of Kosovo Serbs who have obtained such cards, which were first issued on 10 October 2008, has reached 10,482, and the total number of Kosovo Serbs who have obtained Kosovo-registered plates for their vehicles is 10,455.

30. The job descriptions of the deputy directors of the Kosovo Police have been finalized. The Kosovo Serb deputy director general will be in charge of, inter alia, evaluating the organizational performance of police, auditing and internal inspection, addressing gender and human rights issues, and planning and coordinating activities of police from all communities and encouraging their integration into Kosovo Police structures.

31. UNMIK maintains one forensic expert to ensure cooperation at the technical level with the Office on Missing Persons and Forensics. From September to the end of November, the Office conducted 37 field operations, resulting in 18 exhumations. In addition, 19 bodily remains were returned to the victims' families. The Mission also participates in the Pristina-Belgrade Working Group on Missing Persons and the Sub-Working Group on Forensics, both chaired by the International Committee of the Red Cross, with the agreement of all concerned parties. During the reporting period, one session of the Sub-Working Group on Forensics and one session of the Working Group on Missing Persons were held.

VIII. Returns

32. The number of returns remained very low, despite the efforts of all parties to encourage them. The total number of voluntary minority returns from areas of displacement in Kosovo, Serbia, Montenegro, the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina between January and November this year was 1,015. According to statistics of the Office of the United Nations High Commissioner for Refugees (UNHCR), 333 displaced minority community members returned to Kosovo between September and November, compared with 135 individuals during the same period last year. These numbers include

148 Kosovo Serbs, 162 Kosovo Roma, Ashkali and Egyptians, 18 Kosovo Goranis and 5 Kosovo Bosniaks.

33. During the reporting period, 831 individuals, including 685 Kosovo Albanians, and 146 members of other communities, were involuntarily returned to Kosovo from Western Europe, compared with 576 during the same period last year. Of these 831 cases, 49 were considered by UNHCR to be in need of protection. This brings to 2,674 the total number of forced returns to Kosovo between January and November 2009.

34. The number of outreach activities aimed at members of displaced communities has also increased, in a bid to help them make informed decisions about returning to Kosovo. During the reporting period, 257 individuals participated in 24 "go-and-see visits". This gave them an opportunity to visit their properties and make a first-hand assessment of conditions in the receiving community. In addition, 250 individuals participated in a total of eight "go-and-inform visits" to their areas of displacement, in Serbia, Montenegro and the former Yugoslav Republic of Macedonia, as well as within Kosovo.

IX. Cultural and religious heritage

35. UNMIK continued to facilitate the work of the Reconstruction Implementation Commission in coordination with the Council of Europe and the European Commission, ensuring participation in the reconstruction process by the key stakeholders: the Kosovo Ministry of Culture, Youth and Sport, the Serbian Orthodox Church and the Institutes for the Protection of Monuments from Belgrade and Pristina. By October, the Reconstruction Implementation Commission had become part of a new joint programme of the European Commission and the Council of Europe to support the promotion of cultural diversity in Kosovo.

36. On 3 November, the Reconstruction Implementation Commission launched new tenders for the reconstruction of three Serbian Orthodox sites that had been damaged or destroyed by intercommunal violence in 2004: Saint George's Church in Prizren, the Church of Saint John the Baptist complex in Pejë/Peć and Dević Monastery, near Skenderaj/Srbica. The Kosovo authorities have reallocated directly to the Commission accounts €534,000 from the 2009 budget that had not been utilized. The funds will be used for the completion of the reconstruction process in 2010.

37. During the reporting period, several Serbian cultural and religious heritage sites were vandalized. This included the desecration of Orthodox cemetery tombstones in Suharekë/Suva Reka, Skenderaj/Srbica and Klinë/Klina municipalities; offensive graffiti were sprayed on the Orthodox church of Saint Petka in Llapje Sellë/Laplje Selo, near Pristina, and Zočište Monastery, near Rahovec/Orahovac. On 23 October, unexploded ordnance was found at the Orthodox cemetery in Staro Gracko/Grackë e Vjetër and was deactivated by KFOR. The recently renovated Serbian Orthodox church in Donja Budriga/Budrike e Poshtme village, in Gjilan/Gnjilane municipality, was burgled on 6 November.

38. UNMIK continued to promote the establishment of dialogue between Kosovo Energy Corporation and the Serbian Orthodox Church in order to find a durable solution that would enable the company to restore power supply to the monastic communities throughout Kosovo. KFOR is making preparations for a gradual

"unfixing" of static security from cultural heritage sites permanently guarded by its troops, pending approval by the North Atlantic Council of the North Atlantic Treaty Organization (NATO). The responsibility for the guarding of the sites is expected to be handed over to the Kosovo Police, while KFOR will maintain responsibility for ensuring a safe environment overall around the sites.

X. Community issues

39. UNMIK continues to provide support to the Kosovo authorities, in coordination and cooperation with relevant international actors, to address the critical health risks to Roma, Ashkali and Egyptian internally displaced persons living in Osterode and Çesmin Llug/Ĉesmin Lug camps as a result of lead contamination in the north. The Mission redoubled its efforts to engage with community leadership in all affected camps, through coordination meetings and a joint site exploration visit, to encourage greater participation in the forging of acceptable temporary and permanent solutions and measures aimed at the eventual closure of the camps.

40. The electoral period provided an opportunity for Kosovo Albanian leaders to reach out to non-majority communities. Authorities in most of the mixed municipalities throughout Kosovo conducted outreach activities aimed at the Kosovo Serb community in order to persuade them to participate in the local elections. In Klinë/Klina, the Mayor met with Kosovo Serb leaders to express his readiness to work together with the representatives of all communities and invited them to participate in the local elections as a way to strengthen their role in the decision-making process. In Pejë/Peć, the Mayor held meetings with Kosovo Serbs in Gorazhdevc/Goražd evac, reportedly offering them senior municipal positions conditioned on their participation in the elections. In Rahovec/Orahovac, where Kosovo Serb participation in the 15 November local elections has been relatively significant, the deputy mayor for communities and the head of the municipal community office held several separate meetings with Kosovo Serbs.

XI. Human rights

41. In late September, the Director-General of Radio Television Kosovo, the public broadcaster in Kosovo, resigned, alluding to pressures endured throughout eight years of service. Local and international groups expressed the concern that the resignation had been the result of undue political pressure, and, in a public letter the European Broadcasting Union accused the Kosovo authorities of having subjected Radio Television Kosovo to relentless political and economic interference. The Kosovo authorities refuted the allegations, stating that the broadcaster had not been under the control of the government or any political party and that it had aired programmes highly critical of the government.

42. On 2 October 2009, the Pristina District Court found three former Kosovo Liberation Army members, known as the "Llapi group", guilty of torture and inhumane treatment of prisoners at a camp near Podujevë/Podujevo. A number of Kosovo senior officials publicly criticized the verdict, prompting concerns over political interference in the judicial process.

43. On 12 October, the Kosovo authorities launched a much-needed television campaign to promote the Anti-Discrimination Law. The initial stage of the campaign focused on age and sexual orientation, among the least understood bases for discrimination.

44. UNMIK issued administrative direction No. 2009/1, implementing UNMIK regulation No. 2006/12 on the establishment of the Human Rights Advisory Panel. The direction sets 31 March 2010 as a cut-off date for the submission of complaints to the Panel and clarifies issues related to the admissibility of complaints, the appointment and resignation of Panel members and the conduct of public hearings. To date, the Panel has received a total of 482 cases, of which 452 are pending and 30 are closed.

XII. External representation

45. UNMIK continued to facilitate Kosovo's engagement in international and regional forums. The Kosovo authorities reiterated their position that, while it was their prerogative to engage in international and regional forums without the Mission's presence, in cases in which their participation would otherwise not have been possible, they participated alongside UNMIK representatives. During the reporting period, the number of meetings of international and regional mechanisms was considerably higher than in previous periods. UNMIK facilitated Kosovo's participation in more than 25 meetings, covering a range of issues, including energy, trade, transport, justice and home affairs, and cultural heritage. Given the particular importance of regional cooperation for the development and stability of Kosovo and of the region as a whole, the Mission's facilitation role has earned widespread appreciation among host organizations and participants.

46. A solution has not yet been found that would enable Kosovo to participate in the Regional School of Public Administration; this has resulted in the loss of financial assistance to the Regional School, including access to and benefits from a number of its projects. The Kosovo authorities have also refused to participate with UNMIK in the Central European Free Trade Agreement.

XIII. Observations

47. Since my previous report to the Security Council, I have noted a growing acknowledgement by all stakeholders of the reconfigured presence of UNMIK and its useful role in Kosovo on the basis of resolution 1244 (1999). Noting that EULEX assumed its rule-of-law responsibilities in Kosovo one year ago, I am pleased that the positive relationship between UNMIK and EULEX, operating within the status-neutral framework of the United Nations, has continued to be strengthened. I am confident that cooperation with the European Union on all issues related to Kosovo will continue to advance as its role in the region expands.

48. My Special Representative, in close coordination with the European Union, has continued to engage with Belgrade and Pristina in pursuing practical cooperation on issues of mutual interest. UNMIK engagement with Belgrade continued to create opportunities for good-faith dialogue and for the development of

solutions on a range of issues. I also welcome the positive signals sent by the Kosovo authorities regarding a further improvement in relations with UNMIK.

49. However, concrete progress in implementing practical arrangements has been more limited than I had hoped. In particular, I am disappointed that agreement has yet to be reached on the establishment of a mechanism on cultural heritage, which is in the interest of all parties and has been discussed extensively for many months. I therefore urge greater flexibility and pragmatism in approaching this issue of deep importance, and I would be ready to support any constructive initiatives by the European Union in this regard, including the appointment of an envoy.

50. Equally, I expect that Belgrade and Pristina will find ways to put aside status considerations, especially in the pursuit of regional cooperation. I urge flexibility in continuing to define a modus operandi with regard to Kosovo's participation in regional and international mechanisms and forums that are essential to the economic and democratic development and the long-term stability of the region. I commend the tireless efforts of UNMIK in this regard.

51. The municipal and mayoral elections organized by the Kosovo authorities were held in a peaceful atmosphere and did not escalate tensions among the population. I note that international observers found that those elections adhered to democratic standards. I also note that the Serbian President made it clear that Belgrade, despite the fact that it did not support Kosovo Serb participation in the elections, would not stigmatize Kosovo Serbs who would choose to do so.

52. While I am pleased that tensions between Kosovo Albanians and Kosovo Serbs have significantly decreased in the northern Kosovo community of Kroi i Vitakut/Brdjani, the situation in northern Kosovo remains fragile. In particular, inter-ethnic incidents continued to occur in northern Mitrovicë/Mitrovica, which is a cause for concern.

53. The low number and slow pace of returns also continue to raise concern. While not wishing to detract from the efforts made in this field so far, I wish to stress that efforts need to be redoubled to address the reasons behind the low number of returns and to avoid politicizing the plight of the displaced who wish to return home.

54. I would like to express deep appreciation and gratitude to my Special Representative, Lamberto Zannier, for his tireless and good-faith efforts to engage with all parties in order to advance cooperation and reconciliation and to help maintain security and stability in Kosovo and in the region. I would also like to commend the staff of UNMIK for their continued dedicated work and commitment to Kosovo and to the goals of the United Nations.

55. I would also like to extend my gratitude to the long-standing partners of the United Nations in Kosovo — the European Union, NATO and the Organization for Security and Cooperation in Europe — as well as to the United Nations agencies, funds and programmes for their ongoing support for and cooperation with UNMIK.

Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued to undertake monitoring, mentoring and advising activities in the area of the rule of law and to implement its executive mandate in accordance with its mandate. The Mission completed consultations with the Kosovo counterparts on phase 2 of targeted monitoring, mentoring and advising activities based on the recommendations set out in the report on findings concerning the first six months of such activities, selected action teams, trained them and began the implementation of phase 2, with the full support of the Kosovo authorities.

Significant progress was made with regard to trials and the processing of cases, including those inherited from the United Nations Interim Administration Mission in Kosovo (UNMIK). EULEX prosecutors and investigators focused their action on a number of organized crime and war crime cases as a priority. EULEX judges presided over numerous trials, including several ethnically motivated and war crime trials. EULEX increased its presence in the north of Kosovo, where it has contributed to the establishment of a European Union house. An inventory of case files in the district court in north Mitrovicë/Mitrovica was completed under EULEX supervision. EULEX continued to monitor the reintegration into the Kosovo Police of 318 suspended Kosovo Serb police officers, who returned to work in June. From September to December 2009, the Office on Missing Persons and Forensics, which is jointly led by a EULEX head and a Kosovo head, completed 29 autopsies of war victims and 65 new autopsies. It also handed over 21 bodily remains to families.

EULEX Customs continued to copy data on commercial traffic at gates 1 and 31 in northern Kosovo and extended this activity to cargo carried into northern Kosovo by train.

2. EULEX activities from September to December 2009

General

On 8 December 2009, EULEX had 2,707 staff (1,681 international staff and 1,026 local staff). The Mission continued to implement its monitoring, mentoring and advising activities in the area of the rule of law throughout Kosovo. It also implemented its executive mandate. EULEX has cooperated closely with UNMIK, including on the exchange of information and on issues concerning the north of Kosovo, and has also coordinated its activities with the European Union and other international actors in Kosovo and in the region.

The Kosovo rule-of-law counterparts of EULEX have shown a high level of interest in the planning and implementation of phase 2 of targeted monitoring, mentoring and advising activities. This work is based on the findings concerning

phase I of such activities, which were published in the summer. Training was provided for joint monitoring, mentoring and advising action teams, and implementation has begun. On 3 December, Deputy Prime Minister Kuci expressed his satisfaction with the work programme. EULEX continues to liaise with civil society, including non-governmental organizations, about the targeted monitoring, mentoring and advising actions.

EULEX increased its presence in the north of Kosovo, where it has contributed to the establishment of a European Union house. In September, an inventory of files relating to 3,000 court cases was completed under EULEX supervision in the courthouse in Mitrovicë/Mitrovica, and work on 30,000 prosecutorial files began. However, it has not yet been possible to establish fully operational justice in the north.

European Union member States have decided to establish a human rights review panel for EULEX; it will review complaints from any persons claiming to be the victims of human rights violations committed by the Mission in the conduct of its executive mandate. The recruitment of the members of the panel is in progress.

The dialogue with Belgrade on police, justice and customs matters continued, and a technical arrangement for the exchange of police information was concluded with the Serbian Ministry of Internal Affairs. Exchanges of information have already yielded results in terms of crime detection and prevention.

Police

EULEX launched investigations into priority cases, including those involving fuel smuggling, money-laundering and organized crime. By December, EULEX had obtained access to a number of Kosovo Police and other databases, including criminal and vehicle records, business registry and civil registry databases. In July, EULEX arrested suspects in a case involving intimidation related to organized crime, and in September it arrested suspects in a case related to war crimes.

EULEX assisted the Kosovo Police with the preparations for the planned handover from the Kosovo Force to the Police of responsibility for ensuring the security of the Gazimestan monument and other cultural sites.

EULEX continued to monitor the reintegration, following their return to work late in June 2009, of 318 Kosovo Serb police officers who had been suspended in 2008. The process appears to have gone smoothly, and most officers have now been recertified and assumed their previous positions.

EULEX assessed civil registration centres throughout Kosovo and made recommendations aimed at improving their functioning. EULEX and other international actors worked on a model civil status law compliant with both local and European Union requirements and continued to support the Ministry of Internal Affairs in developing its plans for the establishment of a civil registration agency for data storage and the issuance of documents.

UNMIK and EULEX staff continued to work together in the UNMIK INTERPOL Office.

Justice

EULEX judges, prosecutors, legal officers and law drafters monitored, mentored and advised colleagues in the Kosovo justice authorities. EULEX judges and prosecutors worked on a number of cases received from UNMIK and on new cases, including in mixed panels with Kosovo judges and prosecutors. The cases have involved, inter alia, corruption, organized crime, war crimes, terrorism, inter-ethnic crime, weapon and drug smuggling, and murder.

EULEX continued its work to re-establish justice in the north so that the most urgent cases in Mitrovicë/Mitrovica District Court could be addressed. In July, as a preliminary step, a team of local administrative staff supervised by EULEX began to establish an inventory of the files in the courthouse in north Mitrovicë/Mitrovica, registering and classifying more than 3,000 cases (1,987 criminal cases and 1,065 civil cases) by the end of September. An inventory of 30,000 prosecution files is being compiled. Some of the urgent criminal files identified — for example, cases involving an appeal to the Supreme Court, where the decision ready for implementation was issued but not written — were passed to the Kosovo judiciary. As a second step, a number of the most urgent criminal cases identified by EULEX judges and prosecutors are to be addressed by them in mixed teams with Kosovo Albanian and Kosovo Serb judges and prosecutors. Progress regarding the return of the latter remains critical for the normalization of the Court's operations. For the time being, some of the most urgent cases are being dealt with exclusively by EULEX judges and prosecutors assigned to the District Office of Mitrovicë/Mitrovica.

In the Supreme Courts and District Courts and in the regions, EULEX judges presided over a number of trials in mixed panels. Cases included those involving the incitement of national or ethnic hatred, war crimes, murder and corruption. For example, in September, a mixed panel of EULEX and Kosovo judges found two former members of the Kosovo Police guilty of murder in connection with an explosion in a Pristina café in 2007, which had claimed the lives of two and injured several others, and sentenced them to 25 years of imprisonment.

On 2 October, a verdict was delivered in a high-profile war crimes case in which one of the defendants, Rrustem "Remi" Mustafa, is a former commander of the Kosovo Liberation Army and a current member of the Kosovo Assembly. The panel sentenced the defendants to three to six years of imprisonment for inhumane treatment of prisoners in 1998 and 1999.

EULEX judges working in the area of civil justice in the district and municipal courts in Kosovo addressed a number of civil property cases, all of which included an inter-ethnic dimension. EULEX property claims commissioners and EULEX Supreme Court judges who sit on the panel dealing with appeals related to the Kosovo Property Agency continued to carry out their duties in accordance with their mandates.

EULEX legal advisers reviewed a number of draft laws and made recommendations as to how they might be improved. These included draft laws on judicial reform, concerning courts, the Prosecutor's Office, the Kosovo Judicial Council and the Kosovo Prosecutorial Council. EULEX experts also contributed to work on, inter alia, the draft terrorism law and draft laws against domestic violence,

on the Ombudsperson institution, on the execution of penal sanctions and obligations and on the draft criminal code and criminal procedure code.

EULEX has also been reviewing the draft Kosovo law on the civil service and participated in a review of amendments to the draft juvenile justice code. EULEX also contributed to a new draft law on the prevention of money-laundering and terrorist financing, which received government approval in November.

EULEX helped to foster the operational capability of the Kosovo Judicial Council and raised its awareness of its institutional role as a watchdog with respect to the independence and effectiveness of the judiciary. Two of its five members are from EULEX. The Council is responsible for the appointment of judges and prosecutors and for disciplinary measures. There is a backlog of disciplinary cases that need to be dealt with, involving members of the Kosovo judiciary.

The recommendation put forward by EULEX judges that decisions in Supreme Court appeal cases be pronounced in open court at the end of hearings was adopted in September and has been implemented in all cases since.

From September to December 2009, the Office on Missing Persons and Forensics, which is jointly led by a EULEX head and a Kosovo head, conducted 29 autopsies of war victims and 65 new autopsies, death scene investigations, forensic clinical examinations, field assessments and exhumations and handed over 21 bodily remains to families. It had a number of meetings with family associations and families. An UNMIK forensic expert responsible for liaison with Belgrade works in the Office.

EULEX judges continued to monitor the work of the Conditional Release Panel, regularly attending its hearings. Each month, they monitor approximately 50 cases. The EULEX Correctional Unit provided monitoring, mentoring and advice to the Kosovo Correctional Service in various areas of its work, and also provided prison escorts.

Customs

EULEX Customs monitored, mentored and advised the Kosovo Customs Service at border and boundary crossing points, with the exception of north Mitrovicë/Mitrovica, and at Pristina airport. EULEX continued the practice of copying commercial invoices and stamping documents at customs gates 1 and 31 in the north of Kosovo, and began to copy documents related to cargoes carried into northern Kosovo by train. The copied documents are shared with the Kosovo Customs Service and the Serbian Customs Administration, which have stated that this cooperation has enabled them to detect a number of criminal acts. The advice provided by EULEX to Kosovo Customs counterparts has resulted in a number of seizures throughout Kosovo.

EULEX re-established customs infrastructure at gates 1 and 31; this included the setting up of control booths and closed-circuit television cameras. Both Pristina and Belgrade authorities were kept informed during the entire process. However, the restoration of full customs control in northern Kosovo remains subject to an agreement among stakeholders on the collection of customs duties and the distribution of revenues.

EULEX Customs have been closely involved in reviewing and proposing amendments to the Customs and Excise Code for Kosovo. EULEX had noted substantive differences between the Albanian-language version and the English and Serbian versions. This should be completed by the end of 2009.

EULEX Customs are monitoring the establishment by the Minister for Finance and Economy of the Independent Review Board, which receives appeals against Customs and Tax Administration decisions. There is a backlog of approximately 1,000 appeals pending.

Approved by Yves **de Kermabon**
Head of Mission

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 December 2009)

Country	*Number*
Germany	1
Ghana	1
Italy	1
Pakistan	1
Russian Federation	1
Slovenia	1
Turkey	1
Ukraine	1
Total	**8**

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 December 2009)

Country	*Number*
Czech Republic	1
Denmark	1
Norway	1
Poland	1
Romania	1
Russian Federation	1
Spain	1
Turkey	1
Ukraine	1
Total	**9**

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Identical letters dated 29 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I would like to request your kind assistance in ensuring the circulation of the present letter, transmitting statements by the Ministry of Foreign Affairs of Georgia regarding the so-called agreements between the Russian Federation and the proxy regime of Abkhazia in the field of energy and the denial of access to the World Food Programme into the occupied territory of Georgia (see annexes I and II), and its annexes, as a document of the sixty-fourth session of the General Assembly, under agenda item 14, and of the Security Council.

(*Signed*) Shalva **Tsiskarashvili**
Chargé d'affaires a.i.

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Please recycle

Annex I to the identical letters dated 29 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

An agreement between the Russian company "Rosneft" and the Abkhazian "state company" "Abkhaztop", together with an agreement between the Ministry of the Economy of the proxy regime and the company "RN-Abkhazia", was signed on 24 December 2009. Pursuant to the above-mentioned agreements, the Russian Federation was granted the right to start research works over the Black Sea continental shelf at the Gudauta segment, Georgia.

It should be emphasized that the Russian Federation's decision to conduct research and exploration works over the territorial waters of Georgia, with the aim of exploiting and developing oil and gas reserves, represents a clear and gross violation of the norms of international law as well as Georgian legislation, in particular the Law on Occupied Territories of Georgia and the Oil and Gas Law of Georgia.

Under the 1982 United Nations Convention on the Law of the Sea, Georgia, as a coastal State, exercises sovereign rights and special jurisdiction for the purpose of carrying out economic activity, research works and exploitation of natural resources over the continental shelf and the exclusive economic zone. These rights are exclusive in the sense that, if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

The Law on Occupied Territories of Georgia imposes restrictions on entrepreneurial activity on the occupied territories, including in the sea areas. Besides, the Code of Administrative Offences as well as the Criminal Code of Georgia provides for liability for the violation of national laws both on the continental shelf and in the exclusive economic zone.

In contrast to the exclusive economic zone and the continental shelf over which Georgia exercises sovereign rights only for the purpose of their economic development, it should be emphasized that the territorial sea and internal waters make up the maritime area of Georgia, over which Georgia exercises its full sovereignty. The only right that countries other than the coastal State may exercise within the territorial sea of the latter is that of innocent passage.

Moreover, the Oil and Gas Law of Georgia states that oil and gas resources in the subsoil of the territory of Georgia are State property and that Georgia has an exclusive and sovereign right to explore and exploit oil and gas resources on the Georgian onshore and continental shelf. The Oil and Gas Law of Georgia determines the detailed procedures on how to issue a licence for usage of oil and gas resources, which are regulated by a specialized agency, on the basis of tender.

The latest actions of the Russian Federation have once again demonstrated that since the aggression committed by the Russian Federation in August 2008 and subsequent occupation of Georgia's territories, Russian occupation forces exercise effective control over Abkhazia, Georgia, and the Tskhinvali region, Georgia.

Throughout this period, the Russian Federation remains in grave violation of the fundamental principles and norms of international law, as well as of its multilateral and bilateral obligations, and practically every provision of the ceasefire agreement signed on 12 August 2008, among others.

Considering the latest actions of the Russian Federation as a continuance of the annexation, the Ministry of Foreign Affairs of Georgia expresses its strong protest and states that the Georgian side will use all legal means in order to protect the sovereign rights of Georgia and ensure the cessation of the pirate activities of the Russian side.

25 December 2009

Annex II to the identical letters dated 29 December 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement by the Ministry of Foreign Affairs of Georgia on the denial of access to the World Food Programme into Perevi

On 28 December 2009, the Russian side once again grossly violated the 12 August 2008 ceasefire agreement stipulating that international humanitarian activity must be carried out without restriction on the occupied territories of Georgia. In particular, representatives of the Russian Federal Security Service barred a lorry of the World Food Programme from entering the village of Perevi, Sachkhere district, to provide the local population of about 1,000 with basic food supplies (oil, flour, butter, etc.).

Despite repeated attempts by United Nations representatives, they could not gain access to the occupied territories. Hence, the aforesaid humanitarian aid could be supplied only throughout the territory controlled by the Georgian side. This fact indicates clearly that Moscow still adheres to its tendency of politicizing humanitarian issues, in particular by demanding that the international organizations accredited in Georgia appeal to the Kremlin-controlled Tskhinvali proxy regime for permits to access the occupied territories.

The Georgian side expresses its deep concern as such actions pose a direct threat to the lawful interests of the members of the population residing on the occupied territories and grossly violate their fundamental human rights.

Against the background of the fact that these and other, analogous acts have already been persistently carried out for a long time, Georgia and the international community become increasingly convinced that the Russian Federation is not in a position to act within the legal framework and is an absolutely unreliable partner.

29 December 2009

United Nations S/2010/7

Security Council

Distr.: General
6 January 2010
English
Original: French

Letter dated 30 December 2009 from the Secretary-General to the President of the Security Council

I have the honour to write to you regarding the Commission of Inquiry into the facts and circumstances of the assassination of the former Pakistani Prime Minister Mohtarma Benazir Bhutto.

I have received from the Head of the Commission, Ambassador Heraldo Muñoz, a request that I extend the conclusion of the Commission's mandate from 31 December 2009 to 31 March 2010. Because of the substantial amount of information collected by the Commission in Pakistan and the further follow-up work that remains, the Commissioners have requested additional time to complete their report.

I have agreed to grant an additional three months to enable the Commission to complete its inquiry and prepare the report. The additional period will be funded by the existing voluntary contributions made by Member States; no additional funds will be necessary. The Government of Pakistan has agreed to this extension.

(*Signed*) **BAN** Ki-moon

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United Nations S/2010/8

Security Council

Distr.: General
6 January 2010

Original: English

Letter dated 6 January 2010 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 30 December 2009 (S/2010/7), concerning the granting of an additional three months to the mandate of the Commission of Inquiry into the facts and circumstances of the assassination of former Pakistani Prime Minister Mohtarma Benazir Bhutto, has been brought to the attention of the members of the Security Council. They took note of the information contained in your letter and the intention expressed therein.

(Signed) **Zhang** Yesui
President of the Security Council

10-20309 (E) 060110

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United Nations S/2010/9

Security Council

Distr.: General
7 January 2010

Original: English

Letter dated 4 January from the Permanent Representative of China to the United Nations addressed to the Secretary-General

I have the honour to convey to you herewith a concept paper for the Security Council debate on "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security", to be held on 13 January 2010.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(Signed) **Zhang** Yesui
Ambassador and Permanent Representative of the
People's Republic of China to the United Nations

10-20367 (E) 070110

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Annex to the letter dated 4 January 2010 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

China's concept paper

Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security

1. Introduction

The Charter of the United Nations assigns primary responsibility for the maintenance of international peace and security to the Security Council. In Chapter VIII of the Charter, the founding Members of the United Nations, with great vision, also encouraged the development of pacific settlement of local disputes through regional arrangements. World peace and development are now faced with many difficulties and challenges, and it is imperative to respond to them forcefully and collectively at the national, regional and international levels. In a rapidly changing world, strengthening cooperation between the United Nations and regional organizations will both promote multilateralism and boost the international collective security mechanism.

China takes the opportunity of its presidency of the Security Council in January 2010 to convene a thematic debate to explore ideas and measures for strengthening the cooperation between the United Nations and regional and subregional organizations in the maintenance of international peace and security. This debate will build on the past thematic debates of the Security Council to review how best to maximize the relationship between the United Nations and regional organizations. Past resolutions, presidential statements of the Security Council and relevant reports of the Secretary-General on cooperation between the United Nations and regional organizations can be of useful reference.

The format of the meeting will be a debate of the Security Council. Members of the Security Council are expected to join the discussions on both conceptual and practical issues. Representatives of relevant regional organizations will be invited to address the debate and to share with the Council their latest experiences in the maintenance of international peace and security and their views and proposals on how to further strengthen the relations between the United Nations and regional organizations.

2. Areas to be explored

In addition to reviewing progress made, the debate may focus on, but not be limited to, the following issues:

(1) In view of the complex nature of disputes, conflicts, threats and challenges faced by the international community, what are the comparative advantages of the United Nations and regional organizations in the maintenance of international peace and security, in particular in the prevention, management and resolution of conflicts? How can their respective roles and responsibilities be better defined in accordance with the Charter of the United Nations?

(2) Regional organizations vary among each other in terms of their mandate, institutional structure, overall capacities in maintaining peace and security and the specific situations in their respective region. What are the appropriate approaches that can better serve the purpose of enhancing interaction and cooperation between the United Nations, in particular the Security Council, and regional organizations and of forming synergies?

(3) A collaborative partnership between the United Nations and regional organizations is crucial in the effective prevention, management and resolution of conflicts. How can the advantages of regional organizations, including early warning mechanisms, be best utilized to enable early responses to disputes and emerging crises, and to encourage the countries concerned in the region to resolve differences and problems peacefully through dialogue, reconciliation, negotiation, good offices and mediation?

(4) Taking into account the surging needs for United Nations peacekeeping operations, and building upon the achievements of Security Council debates on support to African Union peacekeeping operations authorized by the United Nations, what are the additional measures that the United Nations and regional organizations may undertake to respond collaboratively to situations in pressing need of deployment of blue helmets?

(5) How can regional and subregional organizations be more closely involved in peacebuilding, post-conflict stabilization and reconstruction processes, including through the framework of the Peacebuilding Commission?

3. Expected outcomes

The Security Council is expected to adopt a presidential statement as an outcome of the debate.

United Nations S/2010/10

Security Council

Distr.: General
21 January 2010

Original: English

Summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration

1. Pursuant to rule 11 of the provisional rules of procedure of the Security Council and the note by the President of the Security Council dated 31 December 2008 (S/2008/847), the Secretary-General is submitting the list of items of which the Security Council is currently seized. The last full list of items of which the Council is seized and which have been considered by the Council at a formal meeting since 1 January 2006 (S/2009/10/Add.48) was issued on 7 December 2009. The last weekly addendum (S/2009/10/Add.51) covered developments up to 26 December 2009.

2. The following list sets out the items of which the Security Council is currently seized and which have been considered by the Council at a formal meeting during the three-year period from 1 January 2007 to 31 December 2009. The list indicates the date on which each item was first taken up by the Council at a formal meeting, and the date of the most recent formal Council meeting held on that item.

1. Consideration of the draft report of the Security Council to the General Assembly (6 September 1946; 29 October 2009).
2. The situation in the Middle East (18 July 1960; 16 December 2009).
3. The situation in Cyprus (27 December 1963; 14 December 2009).
4. The situation concerning Western Sahara (20 October 1975; 30 April 2009).
5. The situation in Timor-Leste (15 December 1975; 23 October 2009).
6. United Nations peacekeeping operations (30 May 1990; 5 August 2009).
7. The situation in Liberia (22 January 1991; 17 December 2009).
8. The situation in Somalia (17 March 1992; 3 December 2009).
9. The situation in Bosnia and Herzegovina (9 September 1992; 23 November 2009).
10. The situation in Georgia (8 October 1992; 15 June 2009).
11. The question concerning Haiti (16 June 1993; 13 October 2009).
12. The situation in Burundi (25 October 1993; 17 December 2009).

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13. **The situation in Afghanistan** (24 January 1994; 29 October 2009).

14. **The situation in Sierra Leone** (27 November 1995; 15 September 2009).

15. **International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991** (29 February 1996; 16 December 2009).

16. **International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994** (29 February 1996; 16 December 2009).

17. **The situation in the Great Lakes region** (1 November 1996; 9 November 2009).

18. **The situation concerning the Democratic Republic of the Congo** (29 May 1997; 23 December 2009).

19. **The situation in the Central African Republic** (6 August 1997; 21 December 2009).

20. **The situation between Eritrea and Ethiopia** (26 June 1998; 30 July 2008).

21. **Children and armed conflict** (29 June 1998; 4 August 2009).

22. **The situation in Guinea-Bissau** (6 November 1998; 5 November 2009).

23. **Protection of civilians in armed conflict** (12 February 1999; 11 November 2009).

24. **Small arms** (24 September 1999; 30 April 2008).

25. **Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)** (5 November 1999; 15 October 2009).

26. **The situation in the Middle East, including the Palestinian question** (3 October 2000; 17 December 2009).

27. **Women and peace and security** (24 October 2000; 5 October 2009).

28. **Briefing by the President of the International Court of Justice** (31 October 2000; 29 October 2009).

29. **Briefing by the United Nations High Commissioner for Refugees** (10 November 2000; 8 January 2009).

30. **Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe** (21 January 2001; 27 February 2009).

31. **Meeting of the Security Council with the troop-contributing countries pursuant to resolution 1353 (2001), annex II, sections A and B** (10 September 2001; 10 December 2009).

32. **Threats to international peace and security caused by terrorist acts** (12 September 2001;17 December 2009).

33. Briefings by Chairmen of subsidiary bodies of the Security Council (18 December 2002; 14 December 2009).

34. The situation in Côte d'Ivoire (20 December 2002; 8 December 2009).

35. Security Council mission (18 June 2003; 28 May 2009).

36. Non-proliferation of weapons of mass destruction (22 April 2004; 18 August 2008).

37. Reports of the Secretary-General on the Sudan (11 June 2004; 21 December 2009).

38. Post-conflict peacebuilding (26 May 2005; 25 November 2009).

39. The situation concerning Iraq (31 May 2005; 21 December 2009).

40. Threats to international peace and security (14 September 2005; 8 January 2007).

41. Non-proliferation (29 March 2006; 10 December 2009).

42. The situation in Chad and the Sudan (25 April 2006; 3 December 2008).

43. Peace consolidation in West Africa (9 August 2006; 28 October 2009).

44. The situation in Myanmar (15 September 2006; 13 July 2009).

45. Non-proliferation/Democratic People's Republic of Korea (14 October 2006; 12 June 2009).

46. Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920) (1 December 2006; 6 November 2009).

47. Maintenance of international peace and security: role of the Security Council in supporting security sector reform (20 February 2007; 12 May 2008).

48. Letter dated 5 April 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2007/186) (17 April 2007; 17 April 2007).

49. Maintenance of international peace and security (25 June 2007; 24 September 2009).

50. The situation in Chad, the Central African Republic and the subregion (27 August 2007; 22 October 2009).

51. Peace and security in Africa (25 September 2007; 23 December 2009).

52. Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security (6 November 2007; 6 November 2007).*

* As from the 625th meeting, held on 13 January 2010, the wording of the item "The role of regional and subregional organizations in the maintenance of international peace and security" was revised to read "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security".

53. Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (6 December 2007; 25 February 2008).

54. Implementation of the note by the President of the Security Council (S/2006/507) (27 August 2008; 27 August 2008).

55. Letter dated 22 September 2009 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/2009/487) (25 September 2009; 25 September 2009)

3. The following list sets out those items which were identified in the summary statement for 2009 (S/2009/10 and Add.1-51) as matters of which the Security Council was seized and which have not been considered by the Council at a formal meeting during the three-year period from 1 January 2007 to 31 December 2009. The list indicates the date on which each item was first taken up by the Council at a formal meeting, and the date of the most recent formal Council meeting held on that item.

56. The Palestine question (9 December 1947; 25 November 1966).

57. The India-Pakistan question (6 January 1948; 5 November 1965).

58. The Hyderabad question (16 September 1948; 24 May 1949).

59. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General (21 February 1958; 21 February 1958).

60. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (18 July 1960; 5 January 1961).

61. Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council (4 January 1961; 5 January 1961).

62. The situation in the India/Pakistan subcontinent (4 December 1971; 27 December 1971).

63. Letter dated 3 December 1971 from the Permanent Representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen to the United Nations addressed to the President of the Security Council (9 December 1971, 9 December 1971).

64. Complaint by Cuba (17 September 1973; 18 September 1973).

65. Arrangements for the proposed Peace Conference on the Middle East (15 December 1973; 15 December 1973).

66. The Middle East problem, including the Palestinian question (12 January 1976; 11 October 1985).

67. The situation in the occupied Arab territories (4 May 1976; 13 July 1998).

68. The question of the exercise by the Palestinian people of its inalienable rights (9 June 1976; 30 April 1980).

69. The situation between Iran and Iraq (26 September 1980; 31 January 1991).

70. Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (2 October 1985; 4 October 1985).

71. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (4 February 1986; 6 February 1986).

72. Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council,

Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the Security Council,

Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council;

Letter dated 15 April 1986 from the Permanent Representative of Oman to the United Nations addressed to the President of the Security Council (15 April 1986; 24 April 1986).

73. Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (21 April 1988; 25 April 1988).

74. Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (9 February 1990; 9 February 1990).

75. The situation between Iraq and Kuwait (2 August 1990; 11 April 2005).

76. Complaint by Ukraine regarding the decree of the Supreme Soviet of the Russian Federation concerning Sevastopol (20 July 1993; 20 July 1993).

77. Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (9 February 2000; 26 August 2003).

78. General issues relating to sanctions (17 April 2000; 21 December 2006).

79. Kimberley Process Certification Scheme (28 January 2003; 28 January 2003).

80. Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939);

Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2003/943) (5 October 2003; 5 October 2003).

81. Letters dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2005/485 and S/2005/489) (27 July 2005; 27 July 2005).

82. Briefing by the Chairman of the African Union (31 May 2006; 31 May 2006).

83. Strengthening international law: rule of law and maintenance of international peace and security (22 June 2006; 22 June 2006).

84. Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2006/481) (15 July 2006; 6 October 2006).

4. Pursuant to the note by the President of the Security Council dated 31 December 2008 (S/2008/847), the members of the Security Council have carried out a review of items on the list of matters of which the Council is seized. Also pursuant to the note by the President, items 56 to 84 above are subject to deletion in 2010 because they have not been considered by the Council at a formal meeting during the three-year period from 1 January 2007 to 31 December 2009.

5. Pursuant to the procedure set out in the note by the President, the items listed in paragraph 4 above will be deleted unless a State Member of the United Nations notifies the President of the Security Council by 28 February 2010 that it wishes an item subject to deletion to remain on the list of matters of which the Security Council is seized, in which case such item will remain, unless the Council decides otherwise. The deletion of an item does not imply that such an item cannot be taken up by the Council as and when it deems necessary in the future.

6. The first addendum of each month to this summary statement will contain a list of items of which the Security Council is seized and which have been considered by the Council at a formal meeting since 1 January 2007. In intervening weeks, the Secretary-General, in fulfilment of his responsibility under rule 11 of the provisional rules of procedure of the Security Council, will issue a weekly addendum to the summary statement listing only those items on which further action was taken by the Council during the previous week or indicating that there was no change during that period.

7. The first addendum issued in March 2010 will indicate those items identified in paragraph 4 above as subject to deletion and which, at the request of a Member State, the Security Council has decided to retain for one year, and will also indicate those items identified in paragraph 4 which, in the absence of such a decision by the Council, have been deleted from the list.

United Nations S/2010/11

Security Council

Distr.: General
11 January 2010

Original: English

Identical letters dated 7 January 2010 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to you regarding another serious violation of Security Council resolution 1701 (2006). On the evening of 26 December 2009, a unit of the United Nations Interim Force in Lebanon (UNIFIL) noticed suspicious individuals in the area of Mazraat Sarda, Lebanon, near Al-Khiyam (south of the Litani River, roughly one kilometre from the Israeli-Lebanese border). When the UNIFIL patrol approached, the suspicious figures fled the scene. An ensuing search of the area by UNIFIL revealed a number of buried explosive devices totalling roughly 300 kilograms. Israel has reason to believe that the explosives in question are of an advanced nature and were possibly industrially produced in Iran or Syria. Israel further believes that the types of explosives and the manner in which they were deployed demonstrate that it was Hizbullah operatives that, in fact, planted the aforementioned explosives.

This incident is only the latest in a series of violations in the last six months by Hizbullah as it maintains and builds its military arsenal south of the Litani River. Such incidents clearly reflect a pattern of a military build-up in civilian areas in southern Lebanon. As in the recent incidents in Khirbat Salim and Tayr Filsi, this military build-up is carried out by Hizbullah in close proximity to civilian areas and along main traffic thoroughfares in a manner that presents serious risks to the Lebanese civilian population and to UNIFIL, as well as to the peace and stability of the region.

Israel regards the Government of Lebanon as fully responsible for all such violations and any resulting implications. The Lebanese Government must take serious steps in order to tackle the growing phenomenon of Hizbullah military activity, particularly in civilian villages. Israel expects a full and prompt investigation into the circumstances of this incident and would request that the results of the investigation be provided to the relevant parties and the members of the Security Council as soon as possible. Israel continues to await the results of the investigation of the explosion of the Hizbullah arms depot in Tayr Filsi.

Israel further welcomes the efficient activity of UNIFIL forces during this recent violation, which demonstrates the important role of UNIFIL to maintain peace and security in southern Lebanon. However, the fact that this latest discovery by UNIFIL took place at night demonstrates the ongoing need to intensify UNIFIL's activities at all times.

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In view of this growing mountain of evidence of Hizbullah military activities south of the Litani River, Israel expects this issue to be given the appropriate attention in the upcoming report on the implementation of resolution 1701 (2006), as well as during the Security Council's deliberations on this matter.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

United Nations S/2010/12

Security Council

Distr.: General
7 January 2010

Original: English

Identical letters dated 2 January 2010 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to notify that the Government of Pakistan would like to see the following items retained on the list of matters of which the Security Council is seized:

- The India-Pakistan question
- The Hyderabad question
- The situation in the India Pakistan Subcontinent

I would be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Abdullah Hussain **Haroon**
Ambassador
Permanent Representative

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United Nations A/ES-10/474–S/2010/11

General Assembly
Security Council

Distr.: General
7 January 2010

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fifth year

Letter dated 6 January 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

At the onset of this new year, it is my deep regret to inform you that the situation in the Occupied Palestinian Territory remains critical, with the situation of the Palestinian civilian population in the Gaza Strip remaining particularly dire, as a result of the flagrant violations of international law, including international humanitarian and human rights law, that continue to be perpetrated by Israel, the occupying Power.

Although one year has passed since the lethal and destructive Israeli military aggression against the Gaza Strip, so-called "Operation Cast Lead", the humanitarian, social, economic, living and psychological conditions of the Palestinian civilian population remain grave. The population remains traumatized from the brutal crimes, including war crimes, perpetrated by the occupying Power during that onslaught. Further, the situation on the ground has continued to deteriorate owing to Israel's continued imposition of its illegal, unethical and suffocating blockade. The human and physical toll of this blockade continues to mount, as Israel continues to breach its obligations under international humanitarian and human rights law and to flatly ignore the appeals of the international community to end the blockade and open Gaza's border crossings for the regular and sustained movement of persons and goods.

The blockade has prevented the reconstruction of the thousands of destroyed homes, properties and institutions and of vital civilian infrastructure, obstructing the physical recovery of the population, which continues to live amidst the rubble and ruin. The blockade also continues to prevent Gaza's economic recovery, as the import of essential and commercial goods continues to be restricted and exports continue to be completely prohibited. This has exacerbated the already precarious socio-economic situation, with loss of livelihoods and rampant unemployment causing ever-rising levels of poverty and despair among the Palestinian people, in addition to a wide range of other maladies, including the continued decline of health

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and education standards and the decay of infrastructure, such as health and sanitation systems, with manifold negative consequences.

At the same time, Israel, the occupying Power, continues its illegal colonization campaign throughout the Occupied Palestinian Territory, especially in and around East Jerusalem. Settlements, the Wall and related infrastructure continue to be built by the occupying Power on confiscated Palestinian land in grave breach of international law and United Nations resolutions and in blatant defiance of the International Court of Justice's advisory opinion of 9 July 2004. Israeli settlers also continue their lawlessness and brutality against Palestinian civilians and their properties, including in Occupied East Jerusalem, further raising tensions and inflaming sensitivities between the two sides.

Less than a week after the Israeli Government announced its plan to construct 700 new settlement units in Occupied East Jerusalem, the so-called Israeli "Jerusalem Planning and Building Committee" has approved the construction of four new buildings on the Mount of Olives, a Palestinian residential area in Occupied East Jerusalem. Moreover, today the Israeli Government approved the construction of yet another illegal settlement in the Shu'fat neighbourhood in Occupied East Jerusalem.

The continuation of this illegal, reckless and destructive colonization campaign once again confirms Israel's deliberate intent to defy international law and the unequivocal calls of the international community for the immediate and full cessation of all Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem. In this regard, we regret to reiterate that continued international inaction has clearly emboldened Israel's defiance and intransigence.

While the Palestinian leadership takes positive note of the statements made by the United States Department of State and the Presidency of the European Union denouncing recent announcements of settlement construction, this latest development provides ample proof that such statements alone will not stop Israel's unlawful attempts to devoid the two-State solution of its very meaning, thus undermining the prospects for ever realizing peace and security in the region. We thus urge the international community, especially the Security Council, to uphold its own resolutions with effective actions that demonstrate responsibility and commitment to international peace and security.

Serious, collective efforts must be exerted to compel Israel, the occupying Power, to cease all of its violations and breaches of international law in the Occupied Palestinian Territory, including East Jerusalem. The shameful blockade and collective punishment of the entire Palestinian civilian population in the Gaza Strip must be brought to an end, the confiscation, destruction and colonization of Palestinian land must be brought to an end, and all other illegal Israeli measures and policies against the Palestinian people must be brought to an end. International law demands this. Respect for human rights demands this. The quest for peace demands this.

The instruments for upholding the law and for promoting international peace and security are before the international community. What is missing and is required is clear: implementation and compliance and the will to ensure them. International law and United Nations resolutions must be implemented, and their flagrant violation must not be met with continued acquiescence or surrender; all efforts must

be exerted to uphold the laws and norms that govern our international system and that are intended to protect the human rights and dignity of all peoples and to promote peace and security in our world. As we begin a new decade, it is only this that will truly remedy both the grave situation on the ground in the Occupied Palestinian Territory and the suspension of the peace process and provide us all with a genuine opportunity to achieve the two-State solution for peace.

This letter is in follow-up to our previous 353 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 31 December 2009 (A/ES-10/473-S/2010/1), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2010/14

Security Council

Distr.: General
7 January 2010

Original: English

Letter dated 6 January 2010 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (see annex), which contains an account of the Committee's activities during the period from 1 January to 31 December 2009. The report is being submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Claude **Heller**
Chairman
Security Council Committee established pursuant to
resolution 751 (1992) concerning Somalia

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Annex

Annual report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia covers the period from 1 January to 31 December 2009.

2. For 2009, the Bureau consisted of Claude Heller (Mexico) as Chairman, with the delegations of Croatia and the Libyan Arab Jamahiriya providing the Vice-Chairmen.

II. Background

3. By its resolution 733 (1992), the Security Council imposed a general and complete arms embargo on Somalia, and by its resolution 751 (1992), the Council established a Committee to oversee the implementation of the embargo. Subsequently, in its resolutions 1356 (2001), 1425 (2002), 1744 (2007) and 1772 (2007), the Council outlined certain exemptions to the embargo and further elaborated the scope of the measures.

4. By its resolution 1844 (2008), the Security Council, emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by paragraph 5 of resolution 733 (1992), decided, inter alia, that all Member States should take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 of the same resolution. The Council also decided that all Member States should freeze without delay the funds, other financial assets and economic resources owned or controlled directly or indirectly by the individuals or entities designated by the Committee. The Council further imposed on individuals and entities designated by the Committee a prohibition on the supply, sale or transfer of weapons and military equipment, and the supply of related training, and financial and other assistance. By paragraph 8 of the same resolution, the Council mandated the Committee to designate individuals and entities: (a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia; (b) having acted in violation of the general and complete arms embargo; and (c) obstructing the delivery of or access to humanitarian assistance to Somalia. By paragraph 11 of the same resolution, the Committee was entrusted with, inter alia, the tasks of monitoring the implementation of the travel ban and assets freeze, with the support of the Monitoring Group; of seeking from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the travel ban and assets freeze; and of reporting to the Council at least every 120 days on its work and on the implementation of resolution 1844 (2008).

5. By its resolution 1853 (2008), the Security Council extended the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004) for a period of 12 months, with the addition of a fifth expert. The re-established Monitoring Group was mandated, inter alia, to: continue the tasks outlined in paragraph 3 (a) to (c) of resolution 1587 (2005) (i.e., investigate the implementation

and violations of the arms embargo and make recommendations); continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generated revenues used to commit arms embargo violations; continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations; continue refining and updating information on the draft list of those individuals and entities that violated the measures implemented by Member States in accordance with resolution 733 (1992), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and present such information to the Committee as and when the Committee deemed appropriate; continue making recommendations based on its investigations and on the previous reports of the Monitoring Group; work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo; assist in identifying areas where the capacities of States in the region could be strengthened to facilitate the implementation of the arms embargo; provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and submit progress reports to the Committee on a monthly basis; and submit, for the Security Council's consideration, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

6. On 23 December 2009, the Security Council adopted resolution 1907 (2009), by which, inter alia, it imposed a ban on the sale or supply to and from Eritrea of arms and related materiel, and technical assistance and training. By the same resolution, the Council also imposed an assets freeze, a travel ban, as well as a targeted arms embargo on individuals and entities, including but not limited to the Eritrean political and military leadership, designated by the Committee as: violating the arms embargo; providing support from Eritrea to armed opposition groups destabilizing the region; obstructing the implementation of resolution 1862 (2009) concerning Djibouti; or supporting or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region. The Council further expanded the mandate of the Monitoring Group re-established by resolution 1853 (2008) to, inter alia, monitor and report on the implementation of the measures imposed by resolution 1907 (2009).

III. Summary of the Committee's activities

7. During the reporting period, the Committee met four times in informal consultations. On 20 January 2009, the Committee held an exchange of views on its programme of work and on the implementation of the measures imposed by resolution 1844 (2008). On 24 March 2009, the Committee discussed the Chairman's report to the Security Council pursuant to paragraph 11 (g) of resolution 1844 (2008), and received a presentation by the Coordinator of the Monitoring Group re-established pursuant to resolution 1853 (2008), in connection with the Monitoring Group's programme of work, also in the light of the new tasks set out in resolution 1844 (2008). On 9 April 2009, the Chairman of the Committee made a statement to the Council in connection with the report pursuant to paragraph 11 (g) of resolution 1844 (2008), requesting the postponement of the due date for the same report.

8. On 17 February 2009, the Committee approved a note verbale addressed to all Member States drawing their attention to the various provisions of resolution 1844 (2008) and, on 11 May 2009, adopted consolidated and revised guidelines for the conduct of its work, in connection with paragraph 11 (i) of resolution 1844 (2008), to facilitate the implementation of the measures imposed by the same resolution.

9. Pursuant to paragraph 3 (e) of resolution 1853 (2008), on 8 and 15 July 2009 the Monitoring Group submitted, at the Committee's request, a draft list of those individuals and entities who had violated the measures implemented by Member States in accordance with resolution 733 (1992) and paragraphs 8 (a) to (c) of resolution 1844 (2008), inside and outside Somalia, and their active supporters.

10. On 21 July 2009, the Committee received a briefing by the Monitoring Group and considered follow-up actions to increase awareness of the new measures imposed by resolution 1844 (2008), as well as to strengthen understanding of and support for the Monitoring Group's mandate. In this connection, on 24 September 2009, the Committee addressed an additional note verbale to all Member States drawing their attention to the measures contained in resolution 1844 (2008), in particular to the procedure for exemptions from the arms embargo and to the mandate of the Monitoring Group. Furthermore, on 16 September 2009, the Committee approved a visit to the region by its Chairman, and in this connection, on 2 October 2009, it addressed letters to the Permanent Representatives of Eritrea, Ethiopia, Kenya, Somalia, the United Arab Emirates and Yemen, as well as to the Commissioner for Peace and Security of the African Union. The visit was subsequently postponed owing to a number of recent developments.

11. On 21 October 2009, the Committee received a midterm briefing by the Monitoring Group, pursuant to paragraph 3 (i) of resolution 1853 (2008). The Committee also received a briefing by the Deputy Special Representative of the Secretary-General for Somalia, pursuant to paragraph 10 of resolution 1844 (2008). On 16 November, the Chairman of the Committee briefed the Security Council in connection with the Committee's activities, pursuant to paragraph 11 (g) of resolution 1844, and regarding the review of the measures set out in the resolution, in accordance with its paragraph 26.

12. On 11 December 2009, the Committee issued a press release deploring acts of intimidation and interference with the Monitoring Group's work and urging Member States to extend full cooperation with the investigation of the Monitoring Group, and to provide the necessary assistance to ensure that its activities continued unhindered.

13. During the reporting period, the Committee approved two requests for exemptions from the arms embargo for non-lethal military equipment pursuant to paragraph 3 of resolution 1356 (2001) and 11 requests for exemptions from the arms embargo pursuant to paragraph 11 (b) of resolution 1772 (2007). One request for an exemption from the arms embargo pursuant to paragraph 11 (b) of resolution 1772 (2007) was not approved by the Committee, and in this connection, on 18 June 2009, the Chairman sent a letter to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006). With respect to paragraph 25 of resolution 1844 (2008), in which the Council requested Member States to report to the Committee on the steps they had taken with a view to implementing effectively the measures imposed by the same resolution, the Committee received reports from 25 Member States.

Appendix 1

Reports received from States in accordance with paragraph 25 of resolution 1844 (2008)

	State	*Date of report*	*Symbol*
1	Serbia	26 February 2009	S/AC.29/2009/1
2	China	9 March 2009	S/AC.29/2009/2
3	Japan	13 March 2009	S/AC.29/2009/3
4	New Zealand	19 March 2009	S/AC.29/2009/4
5	Greece	19 March 2009	S/AC.29/2009/5
6	Canada	20 March 2009	S/AC.29/2009/6
7	Belarus	19 March 2009	S/AC.29/2009/7
8	Austria	20 March 2009	S/AC.29/2009/8
9	United Kingdom of Great Britain and Northern Ireland	20 March 2009	S/AC.29/2009/9
10	Australia	20 March 2009	S/AC.29/2009/10
11	Estonia	20 March 2009	S/AC.29/2009/11
12	Slovakia	18 March 2009	S/AC.29/2009/12
13	Burkina Faso	1 April 2009	S/AC.29/2009/13
14	United States of America	7 April 2009	S/AC.29/2009/14
15	Lebanon	14 April 2009	S/AC.29/2009/15
16	Slovenia	20 April 2009	S/AC.29/2009/16
17	France	21 April 2009	S/AC.29/2009/17
18	Lithuania	8 May 2009	S/AC.29/2009/18
19	Brazil	7 May 2009	S/AC.29/2009/19
20	Liechtenstein	15 May 2009	S/AC.29/2009/20
21	Switzerland	19 May 2009	S/AC.29/2009/21
22	Argentina	6 August 2009	S/AC.29/2009/22
23	Yemen	17 August 2009	S/AC.29/2009/23
24	Spain (SCA/1/2009 (16))	3 November 2009	S/AC.29/2009/24
25	Denmark	11 November 2009	S/AC.29/2009/25